

MEMORANDUM

TO:

LAWRENCE H. NORTON

GENERAL COUNSEL

THROUGH:

JAMES A. PEHRKON

STAFF DIRECTOR

ROBERT J. COSTA

DEPUTY STAFF DIRECTOR

FROM:

JOHN D. GIBSON

ASSISTANT STAFF DIRECTOR REPORTS ANALYSIS DIVISION

SUBJECT:

REFERRAL OF VIRGINIA FOXX FOR CONGRESS

The Reports Analysis Division is referring Virginia Foxx for Congress ("the Committee") for amending its 2004 12 Day Pre-Primary Report to disclose additional disbursements totaling \$135,000.00, a 69% increase over the financial activity reported in their original 2004 12 Day Pre-Primary Report. According to the 2003-2004 RAD Review and Referral Procedures for Authorized Committees this matter requires further examination by your office.

The Committee is the Principle Campaign Committee for Virginia Foxx, a Republican candidate in the 2003-2004 Election Cycle for North Carolina's Fifth (5th) Congressional District, which is an open seat. The candidate won the August 17, 2004 Primary Runoff election, receiving fifty-five percent (55%) of the vote.

Copies of any reports or letters either filed by the Committee or sent by the Reports Analysis Division, and referenced in this referral are available for your review on the FEC Imaging System or the web site.

If you have any questions regarding this referral, please contact Alan Shook at 694-1167.

Attachments

ANALYST: Alan Shook

DATE: October 15, 2004

I. COMMITTEE: Virginia Foxx for Congress

C00386748

Carolyn Aldridge, Treasurer

11468 Highway 105 Banner Elk, NC 28604

II. RELEVANT STATUTE: 11 CFR § 104.3

11 CFR § 104.3(b)(2), 11 CFR § 104.3(b)(2)(i),

2 U.S.C. § 434(b), 2 U.S.C. § 434(b)(4)

III. BACKGROUND:

Failure to Disclose All Financial Activity

Virginia Foxx for Congress ("the Committee") amended its 2004 12 Day Pre-Primary Report disclosing additional disbursements totaling \$135,000.00, an increase over the financial activity reported in their original 2004 12 Day Pre-Primary Report (See Attachment 2).

On July 8, 2004, the Committee filed the 2004 12 Day Pre-Primary Report (Microfilm #24961738417). The report disclosed total disbursements of \$195,353.59.

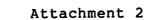
On July 13, 2004, the Committee filed an Amended 2004 12 Day Pre-Primary Report (Microfilm #24971314765). The report disclosed total disbursements of \$330,353.59. This amount was \$135,000.00 greater than the amount reported on the original 12 Day Pre-Primary Report, representing a 69% increase in disbursements.

On August 3, 2004, the Reports Analysis Division (RAD) sent a Request for Additional Information (RFAI) to the Committee referencing the Amended 12 Day Pre-Primary Report (Microfilm #24038490162). The RFAI requested that the Committee clarify why the additional disbursement activity was not disclosed within the original filing.

On August 12, 2004, the Committee filed a second Amended 2004 12 Day Pre-Primary Report (Microfilm #24962086876). The amended report added a memo text entry to a \$135,000.00 disbursement (Image 24962086918), which was listed on a Schedule B supporting line 17. The memo text stated that "[t]his transaction on [sic] left off the original report by mistake" (Image 24962086960).

On September 23, 2004, the Committee filed a third Amended 2004 12 Day Pre-Primary Report (Microfilm #24971582608). The amended report still disclosed receipts of \$330,353.59, and no changes or statements related to the increased activity were highlighted.

To date, no further communication has been received from the committee regarding the aforementioned discrepancy.



C00386748 - Virginia Foxx for Congress - Disbursement Overview

A PUNENT	filOriginal 12 Day Pre Primary Report filed ស្រីក្រុមប្រសិទ្ធ	Primary Report filed
Line 7(a). Total Operating Expenditures	\$195,251 84	\$330,251.84
Line 7(c) Net Operating Expenditures	\$195 149 54	\$330,149.54
Line 17 Operating Expenditures	\$195,251 84	\$330,251.84
Line 22 Total Disbursements	\$195,353 59	\$330,353.59

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